

SENATE BILL No. 576

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1-2.9-3; IC 24-5-12-25.

Synopsis: Caller ID blocking. Requires a telephone company that provides caller ID service to provide the Indiana utility regulatory commission with the name of each customer that has made a pattern of telephone calls that a reasonable individual could believe violate the Indiana law that prohibits the use of caller ID blocking by a person making sales solicitations. Requires the Indiana utility regulatory commission to investigate information provided by a telephone company regarding illegal use of caller ID blocking. Requires the commission to refer cases where there is sufficient evidence of illegal caller ID blocking to the appropriate prosecuting attorney. Authorizes the commission to adopt administrative rules to implement the
(Continued next page)

Effective: July 1, 1999.

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January 20, 1999, read first time and referred to Committee on Commerce and Consumer Affairs.



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Digest Continued

requirements. Enhances the penalty for illegal caller ID blocking to a Class D felony if a person has two or more unrelated violations of the caller ID blocking statute.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 576

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-1-2.9-3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]: **Sec. 3. (a) A telephone company that provides caller ID**
4 **service shall at least one (1) time every calendar quarter, as**
5 **determined by the commission, provide the commission with the**
6 **following information:**

7 (1) **The name of each customer that a reasonable individual**
8 **could believe has violated IC 24-5-12-25.**

9 (2) **The telephone numbers from which a customer identified**
10 **under subdivision (1) may have made a pattern of telephone**
11 **calls in violation of IC 24-5-12-25.**

12 **(b) The commission shall do the following:**

13 (1) **Investigate whether a customer of a telephone company**
14 **has violated IC 24-5-12-25 based on information supplied to**
15 **the commission under subsection (a).**



1 **(2) Refer to the appropriate prosecuting attorney any cases**
2 **the commission believes there is sufficient evidence to believe**
3 **that a customer of a telephone company has violated**
4 **IC 24-5-12-25.**

5 **(c) The commission may adopt rules under IC 4-22-2 to**
6 **implement this section.**

7 SECTION 2. IC 24-5-12-25 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 25. (a) If a person
9 makes a solicitation to a prospect that is outside of the course of
10 dealing (as described in IC 26-1-1-205), whether personally, through
11 salespersons, or through the use of an automated dialing and answering
12 device, the person may not knowingly or intentionally block or attempt
13 to block the display of the person's:

14 (1) telephone number; or

15 (2) identity;

16 by a caller ID service (as defined by IC 8-1-2.9-1) when attempting to
17 initiate a telephone conversation for the purpose of making a
18 solicitation to a prospect.

19 (b) A person who knowingly or intentionally violates this section
20 commits a Class B misdemeanor. However, the offense is:

21 **(1) a Class A misdemeanor if the person has a previous unrelated**
22 **conviction under this subsection; and**

23 **(2) a Class D felony if the person has at least two (2) prior**
24 **unrelated convictions under this subsection.**

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